

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v

Civil No. 09-cv-332-LM

Kenneth C. Isaacson

O R D E R

Having considered the Complaint of Interpleader (document no. 42) as well as the Assented-to Motion to File Proposed Order Re: Interpleader (document no. 38), it is hereby ordered:

1. As interpleader is appropriate on the facts of this case, the Complaint of Interpleader (document no. 42) is accepted.

2. Paragraph 23 of the Complaint of Interpleader contains a request for the attorneys' fees and costs associated with the filing of the interpleader action. During the conference with the parties on July 19, 2010, Attorney Gary M. Burt (counsel for intervenors Henry W. Clark and Diamond State Insurance Company) stated that Mr. Clark and Diamond Insurance would withdraw from their Complaint of Interpleader the request for attorneys' fees and costs. The court notes that paragraph 23 of the Complaint of Interpleader (document no. 42) contains a request for attorneys' fees and costs. The court denies that request.


3. Pursuant to Local Rule 67.2, Diamond State Insurance Company shall deposit with the Clerk of the United States

District Court for the District of New Hampshire the confidential settlement funds from the Rockingham County Probate Court action entitled, In Re: Kenneth C. Isaacson, Sr. and Barbara Callahan Trustees, The Isaacson Family Trust v. Henry W. Clark, Esq., Docket No. 2008-1055.

Pursuant to Local Rule 67.2(b)(1)(A), the funds shall be placed into the Court Registry Investment System unless the parties indicate otherwise by July 28, 2010.

4. After depositing said funds with the Clerk, Henry W. Clark and Diamond State Insurance Company will be dismissed as parties to this action.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Dated: July 21, 2010

cc: Gary M. Burt, Esq.
Mary K. Ganz, Esq.
Andrea A. Kafka, Esq.
Bradford W. Kuster, Esq.
Alec L. McEachern, Esq.
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